

In the Matter of the Application of
White River Valley Electric
Cooperative, Inc. For Approval of
Designated Service Boundaries Within
Portions of Christian County,
Missouri.

COMES NOW the Office of the Public Counsel (“OPC” or “Public Counsel”) and for its Objection to the Stipulation and Agreement, states as follows:

- 1

granted Liberty intervention fourteen (14) days later since Liberty would provide electric service to Elk Valley if the Commission denied the Application.

4. On May 5, 2025, Commission's Staff ("Staff") filed its recommendation ("Recommendation") regarding whether the Commission should grant this Application. The Recommendation contained a memorandum that cited Section 386.800.2, RSMo, and analyzed whether the Application was supported by seven (7) factors. These factors are:

- (1) The preference of landowners and prospective electric customers;
- (2) The rates, terms, and conditions of service of the electric service suppliers;
- (3) The economic impact on the electric service suppliers;
- (4) Each electric service supplier's operational ability to serve all or portions of the annexed area within three years of the date the annexation becomes effective;
- (5) Avoiding the wasteful duplication of electric facilities;
- (6) Minimizing unnecessary encumbrances on the property and landscape within the area to be annexed; and
- (7) Preventing the waste of materials and natural resources.¹

When analyzing these factors, Staff found that factors (1) and (3) favor White River becoming the electric service provider for these properties, and the other five (5) factors were neutral.²

5. The OPC supports Staff's analysis and agrees with the Recommendation.

¹ Section 386.800.2, RSMo.

² *Staff's Recommendation*, ps. 11 & 12, Case No. EO-2025-0228, EFIS Item No. 26 (May 5, 2025).

6. White River and Liberty filed a Stipulation and Agreement (“Agreement”) on December 5, 2025. White River agreed to allocate a portion of its exclusive service area to Liberty in exchange for Liberty not opposing the Commission granting White River’s requested relief.³

7. The Agreement goes further to say, “Liberty and White River agree that the allocation to each other of the service areas outlined in **Appendix 1** [sic] hereto to each other is not detrimental to the public interest.”⁴

8. The OPC believes that the Commission granting the White River Application, as written, would not be detrimental to the public interest. In fact, Public Counsel believes that granting the Application, as written, is in the public interest.

9. However, cases ER-2024-0241 and OO-2025-0233 have both raised many questions regarding whether Liberty is able to provide adequate service.

10. Moreover, the testimony, Application, and Recommendation in this case focus on whether White River’s Application would be detrimental to the public interest. However, there is no analysis of whether White River granting Liberty exclusive authority to serve the areas White River proposes to exchange in Appendix 1 of the Agreement would be detrimental to the public interest.

11. Public Counsel is currently in the process of seeking the number of residential and commercial landowners whose electric service would become Liberty customers

³ *Stipulation and Agreement*, p. 2 ¶ 5, Case No. EO-2025-0228, EFIS Item No. 38 (December 5, 2025).

⁴ *Id* at ¶ 6.

if the Commission approved the Agreement. Further, the OPC is seeking to determine whether the landowners who would be affected by the Agreement received notice of this event. The OPC also seeks to determine whether the impacted landowners object to having their property's electric service provider changed to Liberty.

12. The OPC is of the view that the Application fulfills the requirements spelled out in Section 386.800.2 on its own. It would not be appropriate to permit an investor-owned utility, especially one experiencing the problems that Liberty currently has, to intervene and demand a customer trade from White River.

13. For the reasons above, the OPC objects to the Agreement and requests that the Commission grant the original Application, as written, instead.

WHEREFORE, the OPC respectfully files this objection to the Stipulation and Agreement filed on December 5, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this seventeenth (17th) day of December, 2025.

/s/ Anna Martin